THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2105 OF 2006

DATED:3.2.2006

Between:

M. Hemalatha and another

…Petitioners

And

The District Collector, Warangal

and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.2105 OF 2006

ORDER:

The two petitioners were allegedly assigned house site pattas by proceedings of the third respondent dt.28.11.1992. The first petitioner constructed house after obtaining permit from Warangal Municipality and residing there, and second petitioner is yet to construct house. The petitioners allege that on 28.1.2006 officials of the fourth respondent came and tried to take possession of house sites alleging the same is allotted to fourth respondent for construction of Integrated Child Development Society Children's Hostel. Therefore, petitioners filed the instant Writ Petition assailing the action of the fourth respondent.

Heard the learned counsel for the petitioners and the learned Assistant Government Pleader for Revenue (General).

The petitioners have annexed copies of the assignment orders as well as the proceedings of the District Collector dt.12.2.1993 which *prima facie* show that the petitioners were assigned house site pattas. When the petitioners are in possession of the property allegedly pursuant to such grant, unless and until such grant is cancelled after due process of law, petitioners' possession cannot be dispossessed. Even assuming that the land assigned is re-allotted to fourth respondent, the respondents have no authority in law to forcibly dispossess the petitioners. If the land allotted to the petitioners is required for the purpose of construction of Integrated Child Development Society Children's Hostel or the assignment made in favour of the petitioners was irregular, it is open to the respondents 1 to 3 to take necessary action in accordance with law and till such action is taken, the petitioners cannot be dispossessed from their house sites, if they are in possession as on today.

The Writ Petition, with the above observations, is accordingly disposed of.

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3.1.2006 (V.V.S.RAO, J)

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Note: Issue CC 4.2.2006.

(B.O)

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